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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

DUONG, OANH L

ART UNIT PAPER NUMBER

2155

DATE MAILED: 04/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

7

Office Action Summary

Application No.

09/537,074

Applicant(s)

YONEDA, MICHIAKI

Examiner

Oanh L. Duong

Art Unit

2155

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 7-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 7-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 03/10/2004 has been entered.

Claim Objections

2. Claims 7 and 15 are objected to because of the following informalities:
Regarding claim 7, the feature "said data backing-up step" lack antecedent basis.
Regarding claim 15, "apparatus" in line 5 should be removed.
Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 13-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sullivan et al (Sullivan) (US 6,105,028 in view of Hsiao et al (Hsiao) (US 6,266,784) in further view of Kazu (JP04-153140).

Regarding claim 13, Sullivan teaches a storage medium on which an information supplying program is stored, said information supplying program comprising:

a data updating step in which data stored in an open storage area (i.e., update server 902) allowed to be freely accessed via a network (i.e., network 395) is replaced with update data at a specified time (i.e., overwriting the update copy with a copy of the web page, col. 10 lines 38-65);

retrieving step in which the backup retrieval file is retrieved from said retrieval storage area, and retrieve backup retrieval file data is transferred via said network to a client which has requested said retrieved backup retrieval file data (col. 12 lines 32-42).

Sullivan does not explicitly teach data backing-up step, and a file name produced by adding data, which represents a date and time.

Hsiao, in the same field of endeavor, teaches a data backup step (i.e., provide a backup for the server database, col. 4 lines 4-6) in which a file name is included with backup data produced from the update data to form a backup file (i.e., original or backup copy), and said backup file is saved in a retrieval storage area (i.e., the backed up recovery plan file is to be stored, col. 6 lines 24-29). Hsiao teaches such backing up step would enable data periodically backed up so as to prevent loss of data (col. 1 lines 20-23). For this reason, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have utilized the data backup step of Hsiao in the processing of storing and retrieving data in Sullivan.

Kazu, in the same field of endeavor, teaches a file name produced by adding data, which represents a date and time when updating step is to be performed (i.e.,

Art Unit: 2155

processing data based on a date and time as the file name, DETAIL DESCRIPTION section, page 1 paragraph 0006). Kazu teaches such a data and a time in the file name would avoid a file name in duplicate (page 1 paragraph 6). For this reason, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to have utilized the data and time of Kazu in the process of storing and retrieving data in Sullivan.

Regarding claim 14, Sullivan-Hsiao-Kazu teaches an automatic update step (Sullivan, col. 10 lines 38-65); retrieved update data from the backup retrieval file having the retrieval file found is overwritten said open storage area as said update data in said updating step (Sullivan, col. 12 lines 3-18 and lines 32-42); a file having a retrieval file name having added data representing an updating time (Kazu, DETAIL DESCRIPTION section, page 1 paragraph 0006).

Regarding claim 15, an information supplying apparatus of claim 15 has a corresponding information supplying program of claim 13; therefore, claim 15 is rejected under the same rationale as applied to claim 13.

Regarding claim 16, claim 16 is rejected under the same rationale as applied to claim 14.

4. Claims 7-12, 17, 18 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sullivan et al (Sullivan) (US 6,105,028) in view of Kazu (JP04-153140).

Regarding claim 17, Sullivan teaches a method of storing and retrieving data (abstract), comprising steps of:

specifying update data (i.e., web page) to update current data (i.e., update copy) in a data file stored in an open storage area (update server 902) freely accessed via a network (i.e., network 395) using an associated file name (col. 10 lines 38-40);

specifying update conditions (i.e., update server periodically accesses the original server to ascertain if the web page is different that the update copy) including at least at specified update time of day for updating the current data with the update data (col. 10 lines 38-65);

performing the updating of the current data with the update data in accordance with the specified update condition (i.e., the update copy is modified to reflect the differences, col. 10 lines 38-65);

Combining the retrieval file name with at least the update data to form a back-up retrieval file (it is inherent that any web page and/ or file requires to have a file name/page identifier for the page/file to be identifier/managed by the system);

saving the back-up retrieval file in a retrieval storage area (i.e., a copy of the web page is downloaded to the update server...overwriting the update copy with the updated web page, col. 12 lines 3-18).

Sullivan does not explicitly teach file name to include an indication of the specified update condition.

Kazu, in the same field of endeavor, teaches modifying the accessible file name to include an indication of the specified update conditions (i.e., a date and a time) to

Art Unit: 2155

form a retrieval file name (seen DETAIL DESCRIPTION section, page 1 paragraph 0006). Kazu teaches such a data and a time in the file name would avoid a file name in duplicate (page 1 paragraph 6). For this reason, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to have utilized the data and time of Kazu in the process of forming a file in Sullivan.

Regarding claim 18, Sullivan-Kazu teaches limiting access to said retrieval storage area via said network (Sullivan, network 395, col. 10 lines 66-67).

Regarding claim 22, Sullivan-Kazu teaches comparing a client request to the specified update conditions in the stored retrieval file names of the backup retrieval files saved in the retrieval storage area to determine the back-up retrieval file to be retrieved; and retrieving the back-up retrieval file indicated by the client request (Sullivan, col. 12 lines 32-42).

Regarding claim 12, Sullivan-Kazu teaches updating step is perform automatically at a predetermined time of each day as the at least a specified update time (Sullivan, col. 10 lines 38-65); update data having the retrieval file name found is written into said open storage in an overwriting fashion (Sullivan, col. 10 lines 63-65); file name having added data representing a time (Kazu, DETAIL DESCRIPTION section, page 3 paragraph 31).

Regarding claim 7, Sullivan-Kazu teaches the internet (network 395), said data updating, said data backing-up step, and said retrieving step are performed by a WWW (World Wide Web) server supplying a Web page via said Internet (Fig. 9); and said

Art Unit: 2155

update data include index file describing link to another Web page (Sullivan, col. 6 line 53-col. 7 line 9).

Regarding claim 8, Sullivan-Kazu teaches HTML file (Sullivan, col. 1 lines 23-32).

Regarding claim 9, Sullivan-Kazu teaches linking an image file to said HTML file (Sullivan, col. 1 lines 23-32 and col. 10 lines 13-24).

Regarding claims 10 and 11, Sullivan-Kazu teaches linking an audio file to said HTML (Sullivan, col. 1 lines 23-32).

5. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sullivan in view of Kazu (JP04-153140) in further view of Nathan et al (Nathan) (US 6,240,550 B1).

Regarding claim 19, the combination of teachings of Sullivan and Kazu does not explicitly teach forming the open storage area and retrieval storage area in different directories of the same storage device. However, Nathan teaches teach forming the open storage area and retrieval storage area in different directories of the same storage device (e.g., see col. 8 lines 21-43). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to form directories in combination of teachings of Sullivan and Kazu as taught by Nathan because such directories would provide information locally without remote accessing. Thus, stored documents would have been more efficiently accessed/managed locally.

Art Unit: 2155

6. Claims 20-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sullivan in view of Kazu (JP04-153140) in further view of Tatematsu (JP 10240604 A).

Regarding claims 20 and 21, the combination of teachings of Sullivan and Kazu does not explicitly teaches limiting the update data to only portions of the current data that have changed. However, Tatematsu teaches limiting the update data to only portions of the current data that have changed (e.g., see abstract). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to update only a portion of data in the combination of teachings of Sullivan and Kazu as taught by because updating a portion would require only of the contents of updating to be transferred, thus the traffic on the Internet would be reduced.


7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Oanh L. Duong whose telephone number is (703) 305-0295. The examiner can normally be reached on Monday- Friday, 8:00AM - 5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain T. Alam can be reached on (703) 308-6662. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2155

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

O.D
April 4, 2004


HOSAIN ALAM
SUPERVISORY PATENT EXAMINER